

SCRUTINY OF POLICE POWERS PANEL

TERMS OF REFERENCE

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1 AIMS AND OBJECTIVES

1.1 Aims:

- 1.1.1 To act as a 'critical friend' to the Police and Crime Commissioner (PCC) and to Avon and Somerset Constabulary by providing feedback on reviewed Police Powers records. The Scrutiny of Police Powers Panel (the Panel) will review records and video footage, for example, Taser use, deployment and use of Police Officer Body Worn Video Cameras, Stop and Search and the use of force from a local citizen's viewpoint.
- 1.1.2 To improve and maintain public trust and satisfaction in Avon and Somerset Constabulary.
- 1.1.3 To support the openness and transparency of Avon and Somerset Constabulary (the Constabulary) in delivering a high quality policing service.

1.2 Objectives:

- 1.2.1 To provide Panel feedback to the Constabulary and to scrutinise the Constabulary's use of Police Power records.
- 1.2.2 To provide support and scrutiny in helping to discharge the PCC's duty to have oversight of the Police and to hold the Chief Constable to account for the delivery of the Police and Crime Plan, providing an efficient and effective policing service.
- 1.2.3 To give independent, lay-persons' views of the use of Police powers by Avon and Somerset Police Officers.
- 1.2.4 To ensure that Avon and Somerset Constabulary's use of Police powers is effective, in line with Approved Professional Practice and is operating without bias or discrimination.
- 1.2.5 To identify best practice in the use of Police powers and in operational policing where appropriate.
- 1.2.6 To bring records of concern to the notice of the Constabulary and the PCC's office, so that the concerns can be reviewed and lessons learnt where appropriate.
- 1.2.7 To improve the quality of policing provided to members of the public regarding the use of Police powers.

2 REVIEW METHODOLOGY

- 2.1 The panel will review Records and Body Worn Video Camera footage through a quarterly dip-sampling of documentation and video recordings. The Panel will provide a qualitative round table discussion on each case, focusing on a particular category of Police power deployed, a geographic area or specified record selection criteria. The review will look at the appropriateness of the use of the Police power, commenting on positive points as well as issues of concern and operational learning. This approach will be reviewed for effectiveness by the Panel as it progresses in its work.

3 CONFIDENTIALITY

- 3.1 The proceedings of all Panel meetings are sensitive and members must not reveal any information about Police records and personal data of Police Officers and members of the public. This includes witnesses' and any person's personal information in the police

records that could identify any individual. Panel members must not disclose any aspect of discussions which the panel undertakes during the course of scrutiny, apart from the points recorded in the published notes from Panel meetings.

- 3.2 To operate effectively, members may on occasion have sight of restricted material that must be treated as strictly private and confidential. The requirements of the General Data Protection Regulation will apply to all work undertaken by Panel members. Please refer to the PCC's website for information about the GDPR, which are within the [Privacy Notice](#), including the Rights for Panel members.
- 3.3 Panel members will be asked to sign a volunteer agreement (if they have not already done so) and uphold this at all times.
- 3.4 Any breaches of these confidentiality arrangements will lead to an investigation by the office of the PCC (and the Police if required), and the possible expulsion of a member from the Panel, if it is demonstrated that a clear breach of confidentiality has occurred.

4 SELECTION OF CHAIR AND VICE CHAIR(S)

- 4.1 Nominations for Chair and Vice Chair(s) will be requested from Panel members on an annual basis, with a closing date of at least one week before the election date. A paper or electronic ballot voting system will be used to elect the Chair and Vice Chair(s) during a Panel meeting. A quorum is needed for an election, which is 2/3rds of the Panel membership.
- 4.2 One Panel member will act as Chair and one or more as Vice Chair. The PCC's facilitator will invite the Vice Chair(s) to take relevant action in the absence of the Chair. The Vice Chair(s) and facilitator will agree a temporary Chair before the meeting.
- 4.3 The Chair is accountable to the Scrutiny Panel.
- 4.4 Panel members may ask the Chair to act on their behalf at meetings, or in other agreed situations. The Chair may also ask a Vice Chair (or another member) to act on the Chair's behalf at meetings.
- 4.5 The Chair and Vice Chair(s) will each serve for a term of up to 1 year, and may serve a maximum of 3 consecutive terms. At the end of his/her term as Chair/Vice Chair, s/he can remain a Scrutiny of Police Powers Panel member.
- 4.6 The Chair can be removed, if at least 2/3rds of the non-Chair members agree.
- 4.7 In addition to chairing meetings, the Chair will assist the PCC's facilitator to plan meetings and agenda, review Panel feedback reports, and act as a single point of contact between meetings for the office of the PCC.

5 SELECTION/DE-SELECTION OF PANEL MEMBERS

- 5.1 Members of the Panel (Panel membership being a total of about 20) will be appointed by the PCC in a transparent way, with the decision published. The existing (2016) Taser Panel members were invited to be members of this Scrutiny of Police Powers Panel, subject to eligibility.
- 5.2 Any travel expense remuneration will be made public, as required.

- 5.3 Panel membership will be for an initial 3 year term. A member may choose to continue for a second term at the end of this period but no member may serve more than 2 consecutive terms (6 years). This is subject to PCC elections and the Panel continuing.
- 5.4 Members are expected to disclose to the PCC's office any changes in their circumstances which may have a bearing on their proper membership of the Panel. Disclosures, such as criminal convictions, will be kept confidential, and discussed only with the PCC's Chief Executive Officer (CEO) or PCC. The CEO or PCC will then decide whether the person's membership needs to be re-assessed in light of the disclosure.
- 5.5 Panel members are expected to act within these agreed Terms of Reference and within the Volunteers' agreement.
- 5.6 Panel members are expected to commit to and attend meetings regularly and to send apologies to the office of the PCC where they are unable to attend.
- 5.7 Panel members who do not attend three consecutive meetings without satisfactory reason will have their position on the Panel reviewed by the office of the PCC and Chair. Breach of the Terms of Reference or the volunteers' agreement will also trigger a member's review.

6 FREQUENCY OF MEETINGS

- 6.1 The Panel will meet no less than four times a year. The frequency of meetings may increase in response to any urgent concerns, or as agreed between the office of the PCC and the Panel.

7 SERVICING OF MEETINGS

- 7.1 The office of the PCC will provide administrative support to the Panel and will be responsible for writing reports of meeting findings and emailing any briefings and any relevant paperwork prior to meetings.
- 7.2 Members will obtain the agreement of the Chair if they wish to propose case selection criteria, for example a specific geographical area. The suggestion can be via the PCC's Panel facilitator.

8 REIMBURSEMENT OF EXPENSES

- 8.1 Reasonable out of pocket travelling expenses – in accordance with HMRC travel expense rates, including car-sharing - will be available for reimbursement from the office of the PCC to Panel members for attending meetings and training related to the Panel's work.
- 8.2 Expenses will not be paid if a Panel member represents the Panel at other meetings and training events without the prior knowledge and authorisation of the PCC's office.
- 8.3 Claims, with receipts, must be submitted quarterly within each financial year.

9 REPORTING

- 9.1 The office of the PCC will publish a feedback report after each Panel record review session, on behalf of the Panel, on the PCC's website and, where requested, in other

appropriate formats. The Constabulary will produce a written response to the Panel's feedback report.

- 9.2 The Panel's published feedback report will exclude the Panel's views on any Body Worn Video of a matter which has already been (or may potentially be in the future) the subject of a misconduct or criminal process, without prior agreement from the PCC and Constabulary.

10 TRAINING

- 10.1 The office of the PCC and Constabulary will be responsible for providing induction training and any ongoing learning for Panel members.

11 RIGHTS AND RESPONSIBILITIES OF PANEL MEMBERS

- 11.1 Panel members should not make subjective judgements about other Panel members or any person mentioned in Police Records. It is imperative that every Panel member respects other members, and that any conflicts are resolved with dignity and professionalism. The Chair will intervene in any disputes which members may not be able to resolve between themselves.
- 11.2 Members are expected to abide by these Terms of Reference and where breaches occur or are likely to occur, they are expected to declare this to the Chair.
- 11.3 Applicants prior to Panel membership will be required to submit to NPPV Level 2 vetting checks.
- 11.4 When representing the Panel, all Panel members must refrain from any political activity that may cause the Panel to compromise its independence.
- 11.5 No Panel members will have any contact with the media in relation to Panel, Police or PCC related matters or comment in their capacity as a Panel member without discussing this in advance with the PCC's office. Panel members other than the Chair are not expected to comment generally to the media in their capacity as Panel members.
- 11.6 All Panel members must give correct and up-to-date definitions of their role/s within the Panel if communicating with the public.
- 11.7 Members must refer any personal issues, such as change of address, or conflicts of interest which could interfere with their membership, to the PCC's office as soon as possible. Similarly, any complaint made against a panel member must be referred in the same way.
- 11.8 These Terms of Reference will be published on the PCC's website.

12 REVIEW OF TERMS OF REFERENCE

- 12.1 These Terms of Reference will be reviewed annually or amended as necessary.